



Kyrgyz Republic

Country Reports on Human Rights Practices - [2001](#)

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Although the 1993 Constitution defines the form of government as a democratic republic, President Askar Akayev dominates the Government. Despite constitutional limitations, Parliament has become more independent and on occasion modified or blocked presidential initiatives. Civil society is relatively strong. In December elections for heads of local administrations took place for the first time. The local elections were generally orderly but the electoral process lacked transparency in the selection of candidates. In 2000 serious irregularities marred parliamentary and presidential elections. The executive branch dominates the judiciary, and the Government used judicial proceedings against prominent political opposition and independent media figures in numerous instances.

Law enforcement responsibilities are divided among the Ministry of Internal Affairs (MVD) for general crime, the National Security Service (SNB) for state-level crime, and the procurator's office for both types of crime. Both the MVD and the SNB deal with corruption and organized crime. Both the MVD and the SNB appear to be under the general control of the Government, while border guards are under the full control of the Government. Some members of the security services committed human rights abuses.

The country is poor and mountainous, with a rough balance between agricultural and industrial production and a population of approximately 4.75 million. Cotton, tobacco, vegetables, and sugar are the primary agricultural exports. The country also exports hydroelectric power, gold, antimony, and mercury. The Government has carried out progressive market reforms, although some intended reforms have not been implemented fully. The economy was stable during the year. According to government figures, gross domestic product (GDP) growth was 5.3 percent. Inflation was 3.7 percent. The country faced an external debt of approximately \$1.7 billion. Industrial production remained significantly below preindependence levels. Foreign assistance played a significant role in the country's budget. Pensioners, unemployed workers, and government workers with low salaries or unpaid benefits continued to face considerable hardship. Government figures indicated the average annual salary was \$324 (15,388 soms), while the subsistence level was estimated at \$337 (16,048 soms). Sixty percent of the population live below the poverty level.

The Government's human rights record remained poor; although there were a few improvements, numerous problems remained. The Government continued to limit citizens' ability to change their Government. NGO's and parliamentary deputies on occasion succeeded in blocking presidential initiatives through parliamentary action and grassroots campaigns. Members of the security forces at times tortured, beat, and otherwise mistreated persons. Prison conditions remained very poor, and there were many cases of arbitrary arrest and detention. Executive domination of the judiciary limited citizens' right to due process. Executive branch interference affected verdicts involving prominent opposition figures. The Government restricted some privacy rights. The Government restricted freedom of speech and of the press. The Government used bureaucratic means to harass and pressure the independent media, some nongovernmental organizations (NGO's), and the opposition. The Government at times restricted freedom of assembly and freedom of association. The Government generally respected freedom of religion; however, at times it infringed on this right, in particular for radical Islamic groups it considered to be a threat to the country. There were some limits on freedom of movement. The Government harassed and pressured some human rights groups. Violence and discrimination against women were problems. Child abuse was a problem, and there were growing numbers of street children. Discrimination against ethnic minorities was a problem, as was child labor. Trafficking in persons was a persistent problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports during the year of the arbitrary or unlawful deprivation of life by the Government or its agents.

On January 19, the trial began of three policemen accused of the 1998 beating and killing by burial alive of Sergei Skromnov, age 17; the accused were acquitted due to lack of evidence.

While there were no incursions into the country by the Islamic Movement of Uzbekistan (IMU) during the year, in July there were reports of several armed clashes between government forces and unidentified groups in the southwest of the country.

Landmines laid by Uzbekistan forces in Kyrgyz territory in response to the IMU incursions into both countries in 1999 and 2000 killed at least one person during the year (see Section 1.c.).

b. Disappearance

There were no reports during the year of politically motivated disappearances.

In August 2000, armed insurgents entered the Southern Batken Oblast from Tajikistan and took a number of citizens and foreign nationals hostage. There were military engagements between the Government and the insurgents, who identified themselves as members of the IMU, and an IMU insurgent subsequently was captured and tried in connection with the taking of four of the hostages. On June 19, he was found guilty of murder, kidnaping, and hostage-taking, and sentenced to death. The sentence was not carried out due to a government moratorium on the death penalty.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, mistreatment, and inhuman or degrading punishment; however, at times police and SNB forces committed abuses, including torture, beatings, and other mistreatment. At times police used beatings to extract confessions. The supervision of conditions for pretrial detainees was poor, and police were supervised poorly, were not always paid promptly, and at times committed crimes.

There were credible reports of torture and rape committed by security forces against several members of an opposition political party. In January "unknown persons" severely beat an opposition party member who had participated in a demonstration at the Government House in support of opposition leader Feliks Kulov (see Sections 1.e. and 2.b.); the party member required hospitalization. In October an opposition party member arrested for breach of peace while soliciting support at a university campus reported that he was handcuffed to a chair and partially suffocated with a gas mask while in SNB custody. In October three police officers in the town of Belovodsk were under investigation in connection with the July torture and forced confession of a prisoner suspected of a killing. The prisoner later was proven to be innocent. Two officers were detained, and the third was released on bail; their trials had not begun by year's end. In late 2000, a police colonel raped a party activist while arresting her for breach of peace in connection with soliciting signatures of support for an opposition candidate. The officer was not charged or otherwise held accountable for the rape.

The police at times used force to disrupt opposition demonstrations (see Section 2.b.).

Government officials facilitated, or were complicit in, trafficking (see Section 6.f.).

Landmines laid by Uzbekistan in Kyrgyz territory in response to the IMU incursions into both countries in 1999 and 2000 killed at least one person and injured three others during the year. The two countries were negotiating over the removal of the mines at year's end.

Prison conditions were very poor and included overcrowding, food shortages, and lack of heat and other necessities. Prisoners detained by the SNB rather than the MVD are kept in SNB facilities; after conviction they are held in a regular prison. Male and female prisoners are housed separately. Conditions in the women's prison were less overcrowded than in those for men, and inmates were allowed to perform menial labor to earn money needed to provide necessities. Juveniles are housed separately from adults. There are no special facilities for political prisoners. Pretrial detainees are held separately from convicted prisoners. Pretrial detention facilities were extremely overcrowded and conditions generally were worse than in regular prisons. Prison visits by family members are at the discretion of the investigator during the investigation phase. After a conviction, family members may visit a prisoner regularly.

The Government usually permitted domestic and international human rights monitors to visit prisons if they had personal connections. During the year, the International Commission of the Red Cross (ICRC) was allowed to visit detainees in MVD and SNB prisons in accordance with the ICRC's standard procedures.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention was a problem. Police at times used ill-defined charges to arrest persons and could be bribed to release them.

The Procurator's Office determines who may be detained, arrested, and prosecuted. The Procurator must issue an arrest warrant before a person may be detained, and there were no reports that this provision was abused. The Criminal Code permits law enforcement officials to detain suspects for 72 hours before releasing them or charging them with a crime. The Criminal Procedure Code requires notification of a detainee's family by the investigator within 12 hours of detention; however, this requirement often was not observed in practice. Since 1990 persons arrested or charged with crimes have had the legal right to defense counsel; if a suspect is charged, the Procurator must advise defense counsel immediately. Defense Counsel must be permitted to visit the accused within the first 3 days of incarceration; however, at times the accused did not see defense counsel until trial.

The SNB, the MVD, and the General Procurator carry out investigations. The accused usually remains in detention while the Procurator investigates and prepares the case for trial. The Procurator has the discretion to keep the accused in pretrial detention for as long as 1 year, but there are regulations that provide for provisional release before trial. After 1 year, the Procurator must release the accused or ask Parliament to extend the period of detention. Since independence there have been no known instances in which Parliament has been asked to extend a detention.

In Jalal-Abad Oblast, the security forces detained 117 persons during the year for membership in the Hizb ut-Tahrir Islamic organization and distribution of its literature (see Section 2.c.).

Authorities detained some demonstrators during the year (see Section 2.b.).

On June 27, the authorities arrested, detained, and charged Noomanjan Arkebaev from the Osh branch of the Kyrgyz Committee for Human Rights (KCHR) for allegedly distributing antigovernment leaflets. Arkebaev denied the charges and initiated a hunger strike on July 3. He was released on July 20 after signing a statement that he would not leave the area; no trial date had been set at year's end.

The Government detained several prominent political opposition candidates in order to prevent them from participating in or winning office in the 2000 parliamentary and presidential elections. In these cases, the authorities resorted to false or out-of-date charges of common crimes unrelated to the detainees' political activity.

In the past, the SNB arrested Uighurs (an Islamic Turkic group native to western China) on ill-defined charges (see Section 2.c.); however, there were no reports of such arrests during the year.

The Government does not employ forced exile. As a result of government pressure, the President of the KCHR remained in self-imposed exile abroad (see Section 4).

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the executive branch continued to dominate the judiciary. The courts were perceived widely as a rubber stamp for the Procurator and for high-ranking government officials and, as the protectors of citizens' rights.

Cases originate in local courts; they may move to appeals courts at the district or regional level and finally to the Supreme Court. There are separate military courts and a separate arbitration court system that handles civil disputes.

Defendants are afforded the same constitutional protections in both military and civilian courts, although military court proceedings may be closed to the public. A civilian may be tried in a military court if one of the codefendants is a member of the military. Military court cases may be appealed to a military appellate court, and ultimately to the Supreme Court.

The Constitutional Court has responsibility for determining the constitutionality of laws, resolving disputes concerning the interpretation of the Constitution, and determining the validity of presidential elections.

Traditional elders' courts consider property and family law matters and low-level crime, often involving juveniles. Cases are submitted by agreement of the parties as an alternative to formal proceedings. Decisions of elders' courts may be appealed to the corresponding municipal court. Local elders' courts are found in almost every oblast and region. Local elders' courts are under the supervision of the Procurator's Office, but they may not receive close oversight due to the fact that many such courts are located in remote regions, which makes monitoring difficult.

The Procurator, not the judge, is in charge of criminal proceedings. The Procurator brings cases to court and tries them before a judge and two "people's assessors." The court compares the facts as presented by the Procurator and the defense, and in most cases makes its decision after receiving all available information in each case. The court may render one of three decisions: Innocent, guilty, or indeterminate; if indeterminate, a case is returned to the Procurator for further investigation. The decision of a court to return a case to the Procurator for further investigation may not be appealed, and accused persons are returned to the Procurator's custody, where they may remain under detention.

The law provides for defendants' rights, including the presumption of the innocence of the accused; however, such rights were not always respected. The judicial system continued to operate, in many cases, under Soviet laws and procedures in which there is no presumption of innocence and the focus of pretrial investigation is to collect evidence sufficient to show guilt. The Criminal Procedure Code provides for an unlimited number of visits of unlimited duration between an attorney and a client. Although official permission for such visits still is required, such permission usually is granted. Revisions of the Code in 1999 greatly expanded the rights of defense lawyers to obtain access to all evidence gathered during the course of the investigation. In practice all members of the court have equal rights and may question witnesses. Witnesses do not have to present their testimony in court; instead they affirm or deny their statements in the Procurator's files. Under the law, the accused and the defense counsel have access to all evidence gathered by the Procurator. They may attend all proceedings, which are usually public, and are allowed to question witnesses and present evidence. However, this right is not respected always in practice.

The Constitution provides for terms for judges that range from 15 years for Constitutional Court judges to 3 years for first-term local judges. Very low judges' salaries have led to a well-grounded view among lawyers and citizens that all but a very few scrupulously honest judges are open to bribes or pressure.

Despite the December 2000 appointment of an ethnic Korean as head of the Supreme Court, the appointment of ethnic Kyrgyz to key positions in the judicial system led to charges by non-Kyrgyz that the system is arbitrary and unfair and that the courts treat Kyrgyz more leniently than members of other groups. Although systematic discrimination in the judicial process was not clearly evident, there were credible allegations that it occurred in some cases. There also were complaints by Uzbeks, and even by ethnic Kyrgyz, that the southern portion of the country, which has a large Uzbek population, is underrepresented in the judiciary.

Legislators in the past used their parliamentary immunity to avoid being brought to court; however, a 1998 change in the law limited immunity to official acts only.

Only one case was brought against an individual for apparently political reasons, unlike in the previous year, when there were a number of such cases related to the parliamentary elections. In December the Government tried Felix Kulov on charges of abuse of power when he was governor of Chui Oblast in the mid-1990's. This was the third prosecution of Kulov in 2 years. The trial had not concluded by year's end. Economic crimes such as tax evasion, embezzlement, and theft of government property, including electric power, were common; prosecution for these crimes was rare but at times appeared to be directed at opponents of the Government. In 2000 there was considerable evidence of executive branch interference in verdicts involving prominent political opposition figures in connection with the 2000 elections. For example, the Government frequently used the judicial process to eliminate key political opposition leaders from participation in elections and narrow the range of choice for voters.

In January legal proceedings against Feliks Kulov, the opposition Ar-Namys Party leader, and former parliamentary and presidential candidate, resumed in a closed military court, on charges of instigation of, and accessory to, fraud and abuse of power for personal interests. The initial prosecution of Kulov, considered the most popular opponent of President Akayev in the 2000 elections, began after his unsuccessful bid for a parliamentary seat in March 2000. Despite his acquittal in August 2000, he was brought up on the same charges in the same court in January. On January 22, Kulov was found guilty and sentenced to 7 years in prison. On July 19, the Supreme Court upheld the verdict.

The courts rejected the appeals of two other individuals with connections to Kulov. A court rejected the appeal of the former director of the School of stuntmen in Bishkek, Usen Kudaibergenov, who had been charged with receiving excessively large sums from Kulov in connection with a celebration in 1995. On December 13, a Bishkek regional court rejected the appeal of Djanybek Bakhchiev, who had worked with Kulov when the latter was vice-president and in other posts. Bakhchiev had been convicted of receiving a special military rank and other offenses.

Opposition leader Tolchubek Turganaliyev, who had been imprisoned since 1997, received a presidential pardon and returned to opposition politics.

There were no reports of other political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the Government at times violated these prohibitions.

The Constitution prohibits unlawful entry into a home against the wishes of the occupant and states that a person's private life, privacy of correspondence, telephonic, and telegraphic communications are protected; however, this prohibition was not respected always in practice. The law and procedures require the General Procurator's approval for wiretaps, searches of homes, interception of mail, and similar acts; however, the prosecutor may give approval over the telephone for searches, which means that in such cases no written proof exists to verify that the search was approved. In certain cases, law enforcement officers may carry out a search first and then get approval within 24 hours. If approval is not given, any evidence seized is inadmissible in court.

The SNB continued to monitor the Uighur community (see Section 1.d.). There were unconfirmed reports by citizens active in politics or human rights monitoring that the privacy of their communications was violated. There were credible reports that in April a government agent obtained unauthorized access to an NGO database for the purpose of obtaining and transmitting private documents and correspondence. Employees of the NGO also have been subject to arbitrary requests from the SNB for meetings and for personal information.

Since the September 11 terrorist attacks in the U.S., the Government has conducted widespread document checks of some foreigners. These checks often resulted in the detention and deportation of those who were not in the country legally (see Section 2.d.).

Organizational structures responsible for violations of privacy rights during the Soviet era largely have remained in place.

Section 2 Respect for Civil Liberties, including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the Government restricted these rights.

On June 12, Klara Ajibeka, chairwoman of the Communist Party, delivered a speech at an unsanctioned picket in support of imprisoned opposition figure Feliks Kulov (see Sections 1.d., 1.e., and 3). She was arrested, convicted, and fined.

A 1998 referendum amended the Constitution to insert language that precludes Parliament from passing laws that infringe on free speech; however, there has been no implementing legislation for this amendment.

The law on the mass media prohibits the dissemination of government and commercial secrets; material advocating war, violence, or intolerance toward ethnic or religious groups; desecration of national norms, ethics, and symbols, such as the national seal, flag, or anthem; pornography; and encroachment on the honor and dignity of a person (libel). Libel is a criminal, not a civil, action. The Government, acting through compliant courts, used the prohibition of material that encroaches on the honor and dignity of a person to harass and apply pressure on the independent media. In February the Deputy Minister of National Security filed an honor and dignity case against a journalist with the newspaper Delo No., the same journalist and the same alleged offense that the Deputy Minister had filed in December 2000 and which the court had dismissed as groundless. In September the former tax inspector filed a third honor and dignity case against Delo No. It resulted in the levying of a fine, was then appealed, and remained pending at year's end.

In March a lower court upheld a sentence passed in 2000 convicting a journalist of slander in a case filed by a local judge; the lower court imprisoned the journalist for several weeks but ordered a reduced fine. The plaintiff appealed to the Supreme Court, which overturned the lighter sentence and returned the case to a lower court. However, the case ultimately was resolved between the parties. In 2000 parliamentary deputy Turdakun Usubaliev lodged two honor and dignity suits against the opposition Kyrgyz-language newspaper Asaba. A Bishkek district court ruled that Asaba must pay compensation to Usubaliev. The court also ordered seven Asaba journalists also to pay for articles critical of Usubaliev. The newspaper lodged a counter suit against Usubaliev; the judge ruled in favor of the counter suit.

All media must register with the Ministry of Justice and wait for Ministry approval before beginning to operate. The media law states that the registration process should require 1 month. In April, citing an excess of outdated registrations, the Ministry of Justice required all media outlets throughout the country to reregister. By October 65 media outlets successfully had reregistered; however, in June, citing a previously unknown April decree, the Ministry cancelled the registration of 16 new media outlets that had been approved after April, including 2 opened by editors of newspapers that previously had closed under government pressure. The outlets were forced to reapply for registration; and all were registered successfully by November 1.

State television, radio, and government newspapers continued to receive government subsidies, which permitted the Government to influence media coverage and to apply financial pressure on independent media by fostering unfair competition for increasingly scarce advertising revenue. Some news outlets were owned and controlled partly or fully by individuals with close ties to the Government.

There were approximately 25 to 30 newspapers and magazines with varying degrees of independence, including some that have only local circulation. The State's printing house, Uchkun, is the primary newspaper publisher in the country, with several small presses located inside and outside of the capital.

The Government used its influence over printing and distribution of print media to impede the dissemination of information by the independent print media. The government printing house Uchkun refused to print the independent newspaper Res Publica for 4 months. This action was taken pending Res Publica's full payment of a fine awarded to the president of the State Television and Radio Corporation in an earlier honor and dignity suit. Uchkun also refused to deliver Res Publica to the regions through its distribution system after it resumed publishing the newspaper. In April Uchkun temporarily refused to deliver Res Publica pending permission from the Justice Ministry after Res Publica and the closed Asaba newspaper printed a joint issue. According to KCHR, Uchkun also refused to publish the December 24 Russian edition of Res Publica and destroyed the Kyrgyz edition that had been published already, because a photo of President Akayev scheduled for the front page was considered objectionable by officials in the President's office. In 2000 the Government closed three newspapers by refusing to publish them; Kapitalism and Litsa stopped publishing entirely, and Res Publica was closed for 4 months. Res Publica also experienced distribution problems with the state postal system prior to the 2000 presidential elections, and the newspapers were confiscated from kiosks by authorities in Osh and Jalal-Abad.

The opposition Kyrgyz-language newspaper Asaba continued to be subjected to the pressure and intimidation that began shortly after the newspaper's owner declared his candidacy to run in the Presidential election in 2000. In addition to having been subject to two honor and dignity suits, it encountered tax problems. In March a debt case initiated in 2000 resulted in a ruling in favor of the creditor and the Government began confiscating Asaba's assets. In April the newspaper closed, reopening in October under new management with ties to the Government. Many of the original staff left to join Res Publica.

In March after a year of government harassment, several editors and journalists left Vecherny Bishkek to start a new newspaper. After a delay of 6 months, the new newspaper was registered in September.

There also were several independent television and radio broadcasting outlets. There are two television stations in Osh that broadcast in Uzbek: Osh Television, which broadcasts in Uzbek part of the time--although the station has been criticized by the Government for airing too much Uzbek language programming--and Mezon Television, all of whose programs are in Uzbek. The latter was founded by the Mezon Uzbek Ethnic Center to serve the needs of the large Uzbek population in Osh. Government interference with independent television and radio stations continued. A case was in the appeals process against Mezon Television for broadcasting a candidate's political advertisement, which allegedly had the potential to inspire interethnic hatred during the parliamentary elections. Although Osh Television has a license to broadcast, its dispute with the National Agency for Communications (NAC) continued. The NAC required Osh Television to change its broadcast frequency from VHF to UHF, which is not accommodated by most Soviet-period television sets. The station and the association of journalists continued to protest the change, which would have reduced the number of viewers and imposed financial hardship on the station, as unfair and not justified technically. The NAC's directive that Osh Television switch channels was postponed repeatedly. In June Osh Television prevailed in the Supreme Arbitrage Court. In addition Osh Television was engaged in an ongoing dispute with

the tax authorities over what it considers unfair tax assessments.

In May police arrested a journalist for state-owned television in Jalal-Abad who was working on a corruption report; the journalist was charged with extortion. In May police in Jalal-Abad arrested another journalist investigating corruption and charged him with extorting money from government officials; in November he was sentenced to 9 years in prison for extortion, forgery and possession of a weapon.

Academic freedom was respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides citizens with the right to assemble freely; however, at times the Government restricted this right in practice. On occasion the Government used force to disrupt peaceful demonstrations. The law requires official written permission for holding assemblies, rallies, and demonstrations; at times the authorities, including those at local levels, used this regulation to prevent rallies and demonstrations.

Permits are required for public marches and gatherings. These usually were available, but in some cases the authorities refused to issue permits to opponents or critics of the Government. For example, in October Bishkek municipal authorities refused to issue permits to allow a congress of major opposition parties to use a public venue to hold its first meeting. Rallies and demonstrations were held regularly in front of Government House and in other places. Throughout the year, numerous protests, demonstrations, and pickets took place in different areas of the country, including Bishkek, Osh, and Naryn. In most cases, demonstrations took place without interference from the authorities; however, there were instances in which security forces forcibly disrupted demonstrations and meetings.

In March approximately 100 picketers took part in a protest in the southern town of Kara-Suu (Osh Oblast) to demand the release of 20 persons arrested for distributing literature related to the illegal Islamist party Hizb ut-Tahrir (see Section 2.c.). According to one independent newspaper report, several of the picketers were arrested for breach of the peace after police declared the picket illegal.

On March 30, approximately 250 persons took part in a demonstration in a Bishkek park in support of opposition politician Feliks Kulov. Several participants reported that they were arrested or threatened by police during or after the demonstration. In April 200 to 300 persons participated in a peaceful unregistered rally in downtown Bishkek. The rally's organizers, who wished to draw attention to the closure of the independent Kyrgyz-language newspaper Asaba, had been unable to obtain a permit from the Bishkek city administration after several attempts. The rally concluded peacefully without interference from the large number of uniformed and plainclothes militia present. Following the rally, city authorities assessed a fine of approximately \$20 (1,000 Som) each on three of the rally's organizers.

Members of nine opposition parties, including "Ata-Meken," the People's Party, and the Communist Party, organized a May Day rally in Bishkek in defense of free speech and democracy. Bishkek city authorities refused to grant permits to the demonstrators. On May Day, many of the usual venues for these rallies were blocked by police vehicles or buses and patrolled by policemen. Despite the sizeable police presence, the small demonstrations that did take place were peaceful and uneventful, and the authorities did not detain, arrest, or jail any demonstrators.

In June after warning the protesters that they risked prosecution for participating in an unregistered rally, police disrupted an unregistered protest of approximately 100 persons who had assembled in front of the parliament building in Bishkek to demand the cancellation of agreements ceding territory to China.

On August 10, police in Osh reportedly arrested 15 women after dispersing a demonstration of approximately 200 women merchants who were protesting the local authorities' decision to stop street trade in the city center.

The Constitution provides for the right of association; however, at times local authorities inhibited this right in practice. The law on public organizations, which include labor unions, political parties, and cultural associations, requires registration of these organizations with the Ministry of Justice. In May the Government required all political and social organizations registered before 1999 to renew their registration. There were no reports of government obstruction of any reregistrations; however, according to the Ministry of Justice, the reregistration of four or five parties remained incomplete because these parties did not appear at reregistration hearings. The KCHR was reregistered in 1999; and several other regional and countrywide human rights organizations have registered and operate freely.

On August 15, the President directed the Government to withdraw "Resolution 358" after an NGO-organized

public campaign against the resolution. If enacted the amendments in Resolution 358 would have curtailed greatly the independence of NGO's and political parties and undermined citizens' right of association. In the span of 3 weeks, the local NGO community organized open meetings throughout the country to rally opposition to the proposed amendments, held a press conference and sent a letter to the President urging him to "take measures" against it. Soon afterwards the Presidential Administration retracted the proposed amendment.

In June 2000, the Minister of Justice stated that since the Kyrgyz Coalition for Human Rights (Coalition) was not registered as a public association with the Ministry, it did not have the right to receive funds from abroad to support its activities, nor could it assess internal political developments. Although no formal action was taken against the Coalition, threats against and intimidation of the coalition continued throughout the year (see Section 4).

A 1999 law on NGO's distinguishes NGO's from political parties, labor unions, and religious organizations and lowers the required number of members for registration. The registration of an NGO requires at least 3 members; the registration of a political party requires at least 10.

c. Freedom of Religion

The Constitution and the law provide for freedom of religion, and the Government generally respects this right in practice; however, the Government restricts the activities of radical Islamic groups that it considers to be a threat to the country.

The task of the State Commission on Religious Affairs (SCRA) is to promote religious tolerance, protect freedom of conscience, and oversee laws on religion. According to a 1997 presidential decree, all religious organizations must register with the SCRA, which must recognize the registrant as a religious organization; each congregation must register separately. Subsequently religious organizations, including religious schools, must register with the Ministry of Justice to obtain status as legal entities, which is necessary to own property, open bank accounts, and otherwise engage in contractual activities. If a religious organization engages in commercial activity, it is required to pay taxes in accordance with the tax code. The Ministry's registration process is cumbersome, taking a month on average. In practice the Ministry never has registered a religious organization without prior registration by the SCRA.

Several religious organizations have had difficulty registering with the State Committee on Religious Affairs. The majority of these were small Christian congregations; however, the Roman Catholic Church also remained unregistered. Some of the difficulties that the Roman Catholic Church encountered in registration may be related to procedural errors in their application. According to the SCRA, all Muslim communities that applied for registration were registered successfully. The SCRA claims that it has refused registration to only one organization, the Russian Overseas Church. The refusal came after a court held that the Church was not a religious organization. According to the SCRA, the Unification Church has not applied for registration as a religious organization; however, an affiliated organization is registered as a nongovernmental organization. The SCRA has overseen the registration of more than 300 religious institutions, of which 210 are Christian denominations and most of the rest are Muslim communities.

The Government was concerned about the threat of political extremism in the guise of conservative Islam, whose followers it labels "Wahhabis." Armed incursions by militants of the IMU in the summers of 1999 and 2000 increased the Government's apprehension about radical Islam and the actions of its followers. The Government continued to express concern about groups that it viewed as extremist with either radical religious or political agendas. In April the local press quoted Prime Minister Bakiyev's call for increased monitoring of mosques and schools in order to prevent these places from engaging in Islamic extremist activity.

The Government expressly forbids the teaching of both religion and atheism in public schools. In April the Government instructed the SCRA to draw up programs for training clergy and to prepare methodologies for the teaching of religion in public schools. These instructions came in response to concerns about the spread of "Wahhabism" and "unconventional religious sects."

A number of missionary groups operated in the country. Missionary groups are required to register with the Government, and in the last 5 years more than 700 foreign missionaries were registered. However, according to official statistics, since independence authorities have ordered approximately 20 missionaries who disseminated dogma "inconsistent with the traditional customs of Kyrgyz Muslims" to leave the country. Information on the religion of these missionaries was not available. Government authorities have indicated that they would monitor the activities of the Unification Church, which is led by Reverend Moon, although there were no reports of interference with its activities. The Unification Church was not active in the country, but it had a presence through the charity organization of Reverend Moon's wife.

The arrest and prosecution of persons accused of possessing and distributing literature of Hizb ut-Tahrir (an illegal Islamist organization) increased during the year. Most arrests occurred in the south and involved ethnic Uzbeks; those arrested typically were charged with violation of Article 299 of the Criminal Code, which prohibits the distribution of literature inciting ethnic, racial, or religious hatred. Arrest figures varied depending on the source; according to the International Crisis Group (ICG), which monitors Hizb ut-Tahrir in the south, during the year, police detained 49 persons in Osh Oblast and 86 in Jalal-Abad Oblast for membership in the Hizb ut-Tahrir organization and distribution of its literature. Of those arrested in Osh Oblast, the Government criminally prosecuted 30. The ICG estimated that the number of prosecutions in Jalal-Abad Oblast was approximately the same. The SNB reported that there were 117 arrests of Hizb ut-Tahrir members in Jalal-Abad Oblast.

In 2000 Amnesty International reported the arrest and illegal deportation to China of Jelil Turadi, an ethnic Uighur Chinese national. Unofficial sources said that Turadi was arrested for allegedly possessing "Wahhabist" literature and was handed over to Chinese security agents in Bishkek. In June a local Uighur community leader stated that Turadi's fate remained unknown.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights and the Government generally respects the right of free travel to and from the country; however, certain policies continued to complicate internal migration, resettlement, and travel abroad.

The law requires that citizens have official government permission (a propiska) to work and settle in a particular area of the country. Applicants for such a residence permit must file a request for registration with the local police and be able to prove that they have a permanent residence in the area. In addition home and apartment owners can sell their property legally only to buyers with such permission. In June and October, law enforcement agencies conducted sweeps and random checks to verify the proper registration of residents (see Section 1.f.). Authorities fined or imprisoned individuals without residence permits stamped in their passports. Local administrations tie the availability of utilities and social services to registration; individuals who do not register may not have proper access to water, heat, light, subsidized health care, or schooling. The linkage between obtaining a residence permit and obtaining community services disproportionately impacted the growing number of internal migrants. Many employers refused to hire applicants residing illegally.

There is no law on emigration. All passport applications are reviewed by the Ministry of National Security. There are no exit visa requirements. Citizens may travel abroad without an exit visa. Unlike in the previous year, travelers are not required to present letters of invitation to receive an "international page" if they have never traveled abroad. After the validation of the passport, travel is unrestricted. The law prohibits emigration within 5 years of working with state secrets; however, there were no reports that anyone was barred from emigration under this statute during the year. Although official figures for the year were not available, press reports indicated that the emigration of both ethnic Russians and Russian-speakers continued to rise during the year, as a result of fears of discrimination, the threat of continued fighting in the south, and the issue of dual citizenship (an agreement recognizing dual citizenship has not been signed between Russia and Kyrgyz Republic).

Emigrants are not prevented from returning to the country, and there reportedly was a small but steady flow of returnees.

The law provides for the granting of asylee or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Since 1993 the country has offered "first asylum" to those who qualify. According to the U.N. High Commission on Refugees (UNHCR), there was a total of approximately 300 refugees from Chechnya in the country who had received first asylum. An additional 9,693 persons had refugee status. Of this number, 831 were from Afghanistan and 6 were from Iran; the remainder were from Tajikistan. In the first 10 months of the year, the Government denied 17 asylum requests from Afghans and 4 from Tajiks. The Government cooperated with the office of the UNHCR and other international humanitarian organizations in assisting refugees. The UNHCR assisted 1,038 Tajik refugees to return to Tajikistan during the year.

After the September 11 terrorist attacks in the United States, the Government instituted new controls on the movement of some foreign nationals, and conducted sweeps in order to find undocumented foreigners. The Government stated that since this crackdown on illegal immigration began, authorities in Batken province have stopped 608 vehicles, detaining and deporting 779 Tajik citizens. For example, a truck carrying 53 Tajiks en route to Russia was stopped in Jalal-Abad Province and turned back. Authorities in Bishkek detained 157 persons and deported 36 Afghans, 18 Tajiks, and 93 Uzbeks in the first month after the September 11 events. The UNHCR estimated that the number of detainees was approximately 300 foreigners, primarily Tajiks and

Uzbeks, but included 80 Afghan refugees and asylum-seekers. The arrests were related to new security measures that included verification of the documents of noncitizens. At year's end, all of the Afghan refugees and asylum-seekers had been released.

During the year, there were no reports of the forced returns of persons to a country where they feared persecution, although there were reports in earlier years of Uighurs opposed to Chinese policies being repatriated forcibly to China where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, in practice citizens' ability to do so was limited. Both parliamentary and presidential elections held in 2000 were marred by serious irregularities.

The Government continued to impede the functioning of opposition political groupings and the expression of opposition views in the media. Police tortured several members of opposition parties (see Section 1.c.). In October Bishkek municipal authorities prevented a congress of major opposition parties from obtaining access to a venue to hold its first meeting. Opposition newspapers and journalists were faced with libel suits from government officials (see Section 2.a.). NGO's were warned not to show public support for opposition candidates (see Section 4).

Opposition leader Tolchubek Turganaliyev, who had been imprisoned since 1997, received a presidential pardon and returned to opposition politics.

President Askar Akayev dominates the Government. In October 2000, President Akayev was elected to a third term as President. Although the Constitution specifies a 2-term limit for the President, the Constitutional Court ruled that Akayev could serve a third term because he had been elected to his first term under the Soviet-era Constitution. The Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) stated that "international standards for equal, free, fair, and accountable elections were not met." The Government took steps to disqualify otherwise qualified candidates by charging and convicting them on questionable criminal charges. Restrictions on the registration of candidates, intervention by local officials, and harassment of opposition candidates, negatively influenced the fairness of the campaign. There was intervention by local officials in the electoral process. Although six competing candidates offered the electorate some political choice, the restrictive process of candidate registration excluded a number of prominent opposition leaders from the election. Harassment of opposition candidates' activities negatively influenced the fairness of the campaign. Pressure against a major domestic election-monitoring NGO violated fundamental freedoms, a step backward in comparison with the parliamentary elections. Executive authorities, mostly at local and regional levels, interfered in the functioning of election commissions and the electoral process in general. Campaign restrictions and biased media failed to ensure free and fair conditions for candidates. There were candidate observers in most, if not all, precincts, although they tended to be poorly trained and unwilling to challenge precinct commissions. The Government excluded independent observers representing the constituent organizations of the Coalition of NGO's for Democracy and Civil Society from polling places. A pattern emerged whereby local Coalition representatives were denied admittance to polling places when the polls opened, then were allowed to enter later in the day after they sought relief through the courts, then again were denied access on technical grounds at the end of the voting day. As a result, Coalition representatives were not present in many polling places for the vote count. Central Election Commission Chairman Sulaiman Imanbaev conceded that violations occurred but accused the OSCE of bowing to pressure from unnamed political forces to give an overly negative evaluation of the election.

The Constitution provides for parliamentary elections every 5 years. In February and March 2000, the first and second rounds of parliamentary elections were held. For the first time, 15 of the Legislative Assembly's 60 seats were distributed proportionally based on party lists. In the period prior to the parliamentary elections, the Government took numerous actions that disadvantaged opposition political parties. Four political parties, including one of the most popular opposition parties, the People's Party, were blocked from competing because their charters did not state specifically they could compete in elections for state bodies. In a legal challenge, the courts upheld this restriction in the election law. Eight parties were barred from competing because they were registered less than 1 year prior to the announcement of elections. The OSCE noted that executive and judicial branch interference in the electoral process continued through the runoffs. In decisions that appear to have been politically motivated, a number of prominent opposition candidates were disqualified or deregistered before the runoffs, despite having led the voting after the first round. A number of opposition candidates were harassed. Although there were improvements in overall election administration on the day of the vote, there were allegations of ballot tampering, government intimidation of voters, and harassment of campaign officials in the elections of a number of opposition leaders. The OSCE determined that in the second round of elections, in district 44 (in which Kulov ran) there was clear evidence of systematic fraud

committed by both state and election authorities. In the second round, more than 10 candidates were declared winners automatically as a result of their opponents' refusal to run or, in 9 cases, the Government's cancellation of the opponents' registration.

Pilot elections for the heads of local administrations were held in 16 villages in the spring and in 9 cities during the summer. The selection of candidates was limited to those approved by local council officials and oblast governors. In December nationwide elections of heads of city and village administrations were held for the first time; previously these officials had been appointed by the President. Voting was conducted in a generally orderly manner, although there were minor technical and organizational failures. Observers reported that it was the first time that voters were not pressured to vote for specific candidates. However, the pre-electoral candidate selection process lacked transparency. Voter turnout in some regions was extremely low.

The percentage of women and most ethnic minorities in government and politics does not correspond to their percentage of the population. Women held only 7 of 105 seats in the legislature. The Minister of Justice and the Chief Justice of the Constitutional Court were women. The Democratic Party of Women participated in the parliamentary elections and won two party seats, earning 13 percent of the party-list votes. Russians and Uzbeks were underrepresented in government positions, although the newly named First Deputy Prime Minister, was an ethnic Russian, as was his predecessor. In December an ethnic Korean was appointed head of the Supreme Court.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights groups operated in a hostile environment and were faced with continuous government pressure to curtail their activities. Despite this pressure, most domestic independent human rights organizations, including the KCHR and the Coalition for Democracy and Civil Society, were able to continue investigating and publishing their findings on human rights cases as well as on government interference with elections (see Section 3).

On March 13, the executive director of the Coalition was assaulted by an unknown assailant. There was no apparent motive for the attack. The case had not been solved by year's end.

In March the Bishkek city prosecutor sent the Coalition a warning that the Coalition, together with the KCHR, the Public Union for Social Defense of the Population, Union of Kyrgyz Children and Women, and several political parties had violated a law that prohibits the destabilization of society when they prepared and distributed flyers that appealed for public support of Ar-Namys candidate Feliks Kulov in the 2000 elections (see Sections 1.d, 1.e, and 3). On March 30, the Bishkek city prosecutor summoned KCHR chairman Ramazan Dyrlydayev and Republican Party chairman Giyaz Tokombayev and delivered the same warning. On June 27, the authorities detained KCHR member Noomanjan Arkebaev for allegedly distributing antigovernment leaflets. Employees of a political NGO reported incidents of surveillance and intimidation by the SNB (see Section 1.f.).

There have been no further developments in the case opened in May 2000 against KCHR president Ramazan Dyrlydayev related to charges of failure to comply with the Labor Code in firing an employee. Dyrlydayev fled the country and has remained abroad.

Authorities threatened violence toward high-profile activists for human rights and civil society-related NGO's and at times beat them.

A number of international groups report on human rights problems in the country although no such groups have offices in the country.

A progovernment NGO called the Association of NGO's (the Association) created by the Government in 2000 was largely inactive during the year. There were reports that local authorities applied pressure on independent NGO's to become affiliated with the government-organized Association. Only those NGO's with independent sources of funding were able to resist this pressure.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for the rights and freedom of individuals and prohibits discrimination, including that based on language, and the Government has expressed a strong commitment to protecting the rights of members of all ethnic, religious, and linguistic groups, as well as those of women; however, in practice it does not always ensure these rights effectively.

Women

Violence against women, including domestic violence, was a problem. The law specifically prohibits domestic violence and spousal abuse. Interior Ministry statistics indicated that during the year there were approximately 2,600 crimes of all types against women, but many crimes against women are not reported due to psychological pressures, cultural traditions, and apathy by law enforcement officials.

Activists note that rape is becoming more common, although it is not clear whether the incidence of rape or only the reporting of such attacks is becoming more common. The authorities often ignore such attacks. There were reports that police raped women in custody (see Section 1.c.). The Government has not taken specific action to deal with this problem of violence against women.

The Umut (Hope) Center in Bishkek provided basic protection as well as psychological, legal, and medical counseling for battered women and girls. The Umut Center organized biweekly discussions and training for women to advise and counsel them about their rights. It provides 10 days of emergency shelter, clothing, and meals for battered women as well as employment counseling and legal services. Umut received grants from a variety of foreign sources during the year and provided shelter for 252 women and girls during the year. Another center in Bishkek, Sezim, maintained a staff of lawyers, psychologists, and doctors, and operated a crisis hotline for the public. Staff members conducted training, debates, and seminars on women's rights and family planning. There also were internationally funded crisis centers for women in need of such assistance in both Talas and Jalal-Abad. In Naryn a crisis center operated by the NGO Tendesh maintained a hotline to support women affected by violence and provided psychological, legal, and medical assistance. However, the number of shelters for battered women had not increased to meet the need.

Trafficking in women and girls for the purpose of prostitution was a persistent problem (see Sections 6.c. and 6.f.).

Some rural inhabitants continued to observe the traditional practice of kidnaping women and girls for forced marriage; the MVD reports that each year between 10 and 30 women are kidnaped and forced into marriage.

Discrimination against women persisted. Family law prohibits divorce during pregnancy and while a child is younger than 1 year of age. A special expert counsel under the State Commission on Family, Women, and Youth Issues reviewed all legislation for a gender perspective and submitted its recommendations to Parliament. The findings demonstrate that while women's rights are supported by legislation, the principle of women's equality not always was observed. The law gives equal status to women, and they were represented well in the work force, in professions, and in institutions of higher learning. Women are prominent in law, medicine, accounting, and banking, and play an active role in the rapidly growing nongovernmental sector. However, deteriorating economic conditions have had a severe effect on women, who were more likely than men to lose their jobs. According to a U.N. Development Program report, as of January, the unemployment figures for women were considerably higher (58,300) than those for men (48,100). The average wages for women were less than \$13 per month (637 soms), and for men were approximately \$18 per month (881 soms). Women with children under the age of 16 account for 67 percent of unemployed women. Women make up the majority of pensioners who have felt the negative effects of the country's economic downturn, which has led to inflation and the erosion of pensions that often were paid late. Women's groups expressed particular concern about the situation of rural women. With the end of communism, traditional attitudes toward women have reasserted themselves strongly in the countryside, where women are relegated to the roles of wife and mother, and educational opportunities are curtailed. Data indicated that women were becoming less healthy, more abused, less able to work outside the home, and less able to dispose of their earnings independently.

According to Counterpart Consortium, 293 NGO's dealing with women's problems operated in the country during the year, of which 25 deal with women's advocacy. In 1999 women's advocacy NGO's sent an appeal to the Government, Parliament, journalists, international organizations, and other NGO's in support of women's rights; the appeal helped raise awareness of women's problems in the Government and Parliament. During the year, NGO's introduced at least three new programs to address the needs of women. The Congress of Women has set up legal clinics for women throughout the country to help counsel women on legal issues and women's problems. Center Mercy embarked on a program to find employment in handicraft production for mothers of large families. The Center for Women's Initiative, Aigerim, introduced programs to assist with needy families.

Children

There were government programs, many of them financed from abroad, directed at improving the condition of children; however, a lack of funds hampered government efforts. Basic needs for shelter, food, and clothing

seldom were met, and the Government did not have enough resources to address these needs effectively.

Education is compulsory for the first 9 years, and the country has a 97 percent literacy rate. The Law on Education requires that secondary education be free and universal. However, financial constraints prevented the Government from implementing this for all students. Those families that kept their children in public schools had to pay administrative fees. These costs are difficult for families, particularly large ones, to bear. Girls and boys attend school in equal ratios. According to the Criminal Code, the penalty for infringing on a student's right to obtain free secondary education ranges from receiving a public reprimand to 1 year of forced labor; the law penalizes parents who do not send their children to school or obstruct their attendance. Many of those families who could afford it chose to send their children to more expensive private schools.

The Government has established two funds, Jetkinchek and Kadry XXI Veka (Cadres the 21st Century), to provide educational benefits for low-income and children with disabilities. Jetkinchek, a Presidential Educational Program created in 1999, provides assistance such as pens, books, and clothes to low-income children. The program is funded primarily by the Government but has received assistance from international organizations. Kadry XXI Veka is financed by international organizations and helps some youth continue their education abroad.

According to the Government, deaths from tuberculosis accounted for almost half of all deaths among infants under 2 years of age, and the incidence of the disease continued to grow. After independence, vaccine-preventable diseases such as diphtheria, polio, and measles reemerged. A range of serious nutrition-related problems affected a large number of children, especially in rural areas. The Government provides health care for children. The system of residence registration restricts access to social services, including healthcare and education, for children that belong to certain groups, such as refugees, migrants and internally displaced persons, and noncitizens (see Section 2.d.). Child abuse was a problem. Traditional social safety measures were inadequate to cope with the social pressures that affect families. There were increasing reports of abandonment due to parents' lack of resources to care for children, which has led to larger numbers of children in institutions, foster care, or on the street. According to UNICEF, the children most at risk are those in these three categories. State orphanages and foster homes faced a lack of resources and often were unable to provide proper care. The Kyrgyz Children's Fund (KCF) was concerned particularly about the growing number of street children, many of whom have left home because of abusive or alcoholic parents.

There were 700 to 800 child inspectors in the country--MVD policemen charged with enforcing the law with respect to juveniles. The lack of social workers or a well-established social work tradition means that cases involving abandoned or orphaned children are viewed typically as law enforcement matters. As a result, authorities conducted sweeps to round up and institutionalize street children. Children who were found were sent to orphanages and police holding centers, depending on the amount of space available.

The KCF has one shelter in Bishkek to provide food, clothing, and schooling to approximately 30 children. During the year, the Svetlii Put shelter received training assistance from UNICEF and cared for approximately 32 children. The SOS Children's Village, funded by the Austrian organization Kinder Dorf International and other foreign and domestic organizations, cares for orphans. Approximately 110 children and 14 mothers live in this village, which offers housing and a kindergarten.

Human rights groups note that children who are arrested usually are denied lawyers. Police often do not notify parents of children who are arrested, and neither parents nor lawyers generally are present during questioning, despite laws to the contrary. Children often are intimidated into signing confessions.

The forced marriage of underage girls is illegal; however, it has become more common, and the authorities often tacitly approved this practice. Cultural traditions and social structures discourage victims from going to the authorities. The MVD reports that each year as many as 30 underage girls are kidnapped to become brides.

Girls were trafficked for the purpose of prostitution (see Section 6.f.).

Child labor was a problem (see Section 6.d.).

Human rights groups and the KCF monitor the condition of children and advocate for child rights. In response to the lack of a focal agency for protecting the rights of children, the Government has established an interministerial body, the Commission on the Affairs of Under-age Children, under the Office of the Prime Minister. This body provides a forum for discussing and coordinating responses to children's problems. The Government and its Commission continued to disseminate information regarding children's rights among both children and adults. The Ministries of Justice, Education, Culture, and Health as well as the state television and radio company and various NGO's also helped disseminate such information including by translating

information into Kyrgyz, Russian, and Uzbek in order to reach those segments of the population that speak different languages. At year's end, there also were plans to publish textbooks on human rights problems for high school students, with information on children's rights. The Talent Support Fund, an NGO funded by Save the Children and UNICEF, produced a series of educational television programs entitled "The Rights of Children in Kyrgyzstan" to help educate the population.

Persons with Disabilities

The laws provide for convenient access to public transportation and parking for persons with disabilities, for subsidies to mass media sources that make their services available to the hearing or visually impaired, and for free plots of land for the construction of a home. In practice few special provisions were in place to allow persons with disabilities access to transportation, public buildings, and mass media. In addition persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population. The lack of resources made it difficult for persons with disabilities to receive adequate education. Social facilities for persons with mental disabilities were strained severely, because budgets have fallen and workloads remained heavy. In one program facilitated by foreign volunteers, local high school students began to visit special institutions such as those for persons with mental disabilities.

Religious Minorities

There was anecdotal evidence of periodic tension between followers of conservative Islam and foreign missionaries in rural areas. Converts from Islam at times faced discrimination. In January in the village of Kurkol local villagers demanded that four ethnic-Uzbek members of Jehovah's Witnesses either reconvert to Islam or leave the village. The incident was resolved peacefully by the Ministry of the Interior and the Security Service. In the southern village of Suzak, village elders called for the expulsion of four former Muslims who had converted to evangelical Christianity. Another Christian group in a village outside of Bishkek reported that village elders have said that "Christianity is not allowed in the Kyrgyz Republic," called for the expulsion of Christian converts from the village, and fired one Church member from the village educational council.

There were no further developments in the March 2000 murder of Nigmat Bazakov, a leading representative of the ethnic minority Uighur community.

National/Racial/Ethnic Minorities

There were reports of discrimination in the treatment of citizens who are not ethnic Kyrgyz. Members of the minorities alleged discrimination in hiring, promotion, and housing, and alleged that government officials at all levels favored ethnic Kyrgyz. The latest statistical data, from the 1999 census, reflected the following ethnic breakdown of the population: 64.9 percent were Kyrgyz; 12.5 percent were Russians; 13.8 percent were Uzbeks; 1.1 percent were Dungans (ethnic Chinese Muslims); 1 percent were Uighurs; 0.9 percent were Tatars and 0.4 percent were Germans. The representation of ethnic Kyrgyz at senior and intermediate levels of government was disproportionately high, giving credence to perceptions that career opportunities in government were limited for those who were not ethnic Kyrgyz. There also were allegations of discrimination against non-Kyrgyz in the judicial system (see Section 1.e.).

The Constitution designates Kyrgyz as the state language, but it provides for preservation and equal and free development of Russian and other languages spoken in the country. Kyrgyz increasingly is replacing Russian, and the Government has announced that by 2010 all government documents are to be in Kyrgyz. Russian-speaking citizens (those who do not speak Kyrgyz) also alleged that a ceiling exists in government employment that precludes their promotion beyond a certain level. A draft law that was introduced in November allows Russian to be used in the workplace until measures can be established to change to Kyrgyz. On December 4, President Akayev signed legislation that made Russian an official language. Candidates in the 2000 presidential election were required to demonstrate ability in Kyrgyz. Some otherwise qualified candidates were disqualified on the basis of exams, the fairness of which was questioned (see Section 3).

Since independence more than 400,000 ethnic Russians have emigrated (see Section 2.d.). In order to help stem the tide of migration, the Government has passed legislation elevating Russian to the status of an "official language." In May 2000, President Akayev issued a decree designed to moderate emigration by improving the situation of ethnic Russians and Russian speakers. In 2000 the Government signed a bilateral agreement with Russia on the legal status of Russian citizens living in Russia and Kyrgyz citizens living in Russia; it was intended to provide the maximum social benefits possible under the law for those Russian citizens living in the country.

University education continued to be carried out largely in Russian (although Kyrgyz instruction was available in some departments in some universities where textbooks were available), so that Russian-language capability remained an important skill for those who wished to pursue higher learning.

Section 6 Worker Rights

a. The Right of Association

The Labor Law provides for the right of all workers to form and belong to trade unions, and there were no reports that the Government tried to obstruct the formation of independent unions. The Federation of Trade Unions of Kyrgyzstan, the successor to the former official union, remained the only trade union umbrella organization in the country, although unions were not required to belong to it. The Federation forms one part of a bilateral commission, along with the Cabinet; each year the two parties sign an agreement on "cooperation." Precise numbers for the Federation's membership were not available, but it remained significantly larger than other unions. There was one small independent union, the Union of Entrepreneurs and Small Business Workers, whose membership reached approximately 80,000.

The Federation has been critical of government policies, especially privatization, and their effect on working class living standards. According to the Federation, the Government has taken no action in response to this criticism. The Federation continued to regard itself as being in a process of transition, during which it is adjusting its relations with the Government, with other unions in the countries of the former Soviet Union, and with other foreign unions. Growing numbers of smaller unions were not affiliated with the umbrella organization.

While the right to strike is not codified, strikes are not prohibited. There were no retaliatory actions against strikers, nor were there instances of abuse directed specifically at unions or individual workers. From March through June, vendors in the bazaars of Bishkek and Naryn held a series of strikes to protest the Government's closure of several smaller bazaars, the introduction of new sanitary restrictions, and higher fees for licenses; however, the strikes were unsuccessful.

The law permits unions to form and join federations and to affiliate with international trade union bodies; however, no meaningful affiliation with international trade union bodies has taken place.

b. The Right to Organize and Bargain Collectively

The law recognizes the right of unions to negotiate for better wages and conditions. Although overall union structure and practice are changing only slowly from those of the Soviet era, there was growing evidence of active union participation in state-owned and privatized enterprises. The Government sets the minimum wage, and then each employer sets its own wage level.

The law protects union members from antiunion discrimination, and there were no reports of discrimination against persons because of union activities.

There are Free Economic Zones (FEZ's) that are used as export processing zones. The minimum wage law does not apply to the approximately 3,000 workers in ordinary FEZ's.

c. Prohibition of Forced or Compulsory Labor

The law forbids forced or compulsory labor; however, women were trafficked for the purpose of prostitution (see Section 6.f.). The press also reported that Kyrgyz citizens were forced to work without pay on tobacco farms in Kazakhstan.

The law prohibits forced or bonded labor by children; however, girls were trafficked for the purpose of prostitution (see Section 6.f.). In addition schools require children to participate in the tobacco harvest--some fields are located on school grounds--and the income earned goes directly to the schools, not to the children (see Section 6.d.). The Government has undertaken additional initiatives to help protect minors from forced labor; however, since the budget was facing severe funding constraints, many children who were entitled to receive help did not receive it.

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code provides for the protection of children from economic exploitation and from work that poses a danger to their health, or spiritual, physical, mental, or academic development. The minimum age for employment varies with the type of work, but is no lower than 14. The Labor Code is contradictory in the requirements it sets for the minimum age of employment of youths in work that could harm their physical and moral well being (i.e. employment in casinos, bars, night clubs, etc.). Article 285 states that such work is prohibited for those under age 21; however, Article 319 prohibits such employment for those under age 18. According to the Labor Code, children between ages 14 and 16 are permitted to perform strenuous work with parental consent. However, minors younger than age 18 cannot work in underground conditions. Article 319 sets the maximum daily hours of work for children between ages 14 and 16 at 5 to 7 hours respectively, children under 16 cannot work during night shifts. These laws also apply to children with disabilities who work. During the year, the Government banned the employment of persons under 18 in more than 1,000 categories of employment involving difficult or dangerous conditions, including work in such sectors as the metal or oil and gas industries, mining and prospecting, and machine building.

Child labor was a problem and was becoming more widespread both in towns and rural areas. Since many children work for their families or are "self-employed" in such occupations as selling newspapers, carrying handcarts at markets, and selling cigarettes and candy on the streets, it was difficult for the Government to determine whether their work schedules and environment conform to government regulations. Families traditionally are large, and they consider it necessary at times for children to work at an early age to help support the family on the family farm or in the family business.

According to reports from various NGO's, child labor is particularly evident in the south. During the fall, classes are cancelled, and children are sent to fields to pick cotton. During the summer, children work during the tobacco harvest and are involved in all steps of production from the actual picking of the leaves to the preparation for shipping. Children also are involved in family enterprises such as shepherding, bread baking, selling products at roadside kiosks, and growing fruits and vegetables.

The Prosecutor's Office and the State Labor Inspectorate are responsible for enforcing employers' compliance with the Labor Code laws. The legislative assembly has established a special commission on education, women's affairs, the family, and minors, which oversees the legal protection of the interests of minors whenever new laws are discussed in Parliament. Control of compliance with the labor code is enforced by trade unions; however, given its budget constraints and lack of resources, the Government was unable to enforce the child labor laws adequately. Although those employers caught violating the Labor Code may be charged with disciplinary, financial, administrative, or criminal penalties, the punishment is usually minimal.

The law prohibits forced and bonded labor by children; however, girls were trafficked for the purpose of prostitution (see Sections 6.c. and 6.f.) Some tobacco fields are located on school grounds, and schools require children to participate in the harvest. The income earned goes directly to the schools, not to the children.

e. Acceptable Conditions of Work

The Government mandates the national minimum wage and during the year the legal minimum wage was approximately \$2 (100 soms) per month. In practice this wage was insufficient to ensure a decent standard of living for a worker and family. However, industries and employers set the actual minimum-level wages that were paid at \$2.40 (120 som). The Federation of Trade Unions is responsible for enforcing all labor laws, including the law on minimum wages, and minimum wage regulations largely were observed. Although, the enforcement of labor laws was nonexistent in the growing underground economy, and market forces help wages in the unofficial sector keep pace with official wage scales.

The standard workweek is 41 hours, usually within a 5-day week. For state-owned industries, there is a mandated 24-hour rest period in the workweek.

Safety and health conditions in factories were poor. Despite an improvement in economic growth, the previous deterioration in enforcement of existing regulations continued to hamper investment to improve health and safety standards. The State Inspectorate of Labor is responsible for protecting and educating workers as well as informing business owners of their respective rights and responsibilities. The law establishes occupational health and safety standards, as well as enforcement procedures; besides government inspection teams, trade unions are assigned active roles in assuring compliance with these laws, but there is uneven compliance record among businesses. Workers have the legal right to remove themselves from unsafe working conditions; however, in practice refusal to work in situations with relatively high accident rates or associated chronic health problems could result in loss of employment, although only if informal methods of resolution failed.

f. Trafficking in Persons

The law does not address specifically trafficking in persons and trafficking was a persistent problem. Government officials facilitated, or were complicit in, trafficking.

According to the International Office of Migration (IOM), approximately 4,000 women and 7 boys were trafficked abroad in 1999. No estimates were available for subsequent years; however, the IOM reported that it dealt with several cases of trafficking during the year. The country was primarily a country of origin and transit for trafficked persons, although there have been a few reports of the country being a destination for women trafficked as prostitutes. According to the IOM, the country has become a country of transit for individuals being trafficked mostly from South Asia, China, and Afghanistan to the West. The exact number of those in transit is unknown. The country was a country of origin for trafficked women and girls, largely to Turkey, Germany, and the United Arab Emirates for the purpose of prostitution. The IOM also reported some instances of the trafficking of children for prostitution and labor. A flourishing sex trade draws girls as young as age 10 from destitute mountain villages. According to the IOM, the sex trade involves trafficking abroad. The extent of this problem is unknown. Observers widely believe that some government authorities may facilitate or otherwise be complicit in trafficking activities. The Bishkek Migration Management Center (an independent NGO), and the State Agency of Migration estimated that between 500 and 5000 persons, mostly poor farmers from the south, also may have been trafficked from Kyrgyzstan to Kazakhstan as forced laborers on tobacco plantations. The Kyrgyz press also carried reports of Kyrgyz forced laborers trafficked to the United States.

Groups targeted by traffickers include young under- or unemployed women who are unable to earn a living, particularly ethnic Slavic women under the age of 25. The worsening economic situation, high unemployment levels, particularly in the South, and gender inequality, have made young women and poor workers vulnerable to traffickers who exploit them by offering lucrative jobs abroad. Often women were trafficked through deception, and were lured abroad, at times by means of newspaper advertisements and under the pretext of legitimate employment. For example, women responded to job offers as waitresses, au pairs, or dancers, but found themselves without documents or the money for return tickets, and were forced work for their traffickers. Internet marriage agencies also reportedly recruited young women with false offers of marriage to foreigners. The IOM reports that traffickers are often persons who previously operated local prostitution networks. They use networks of returnees, family members, and friends, to recruit victims. The IOM also indicated that tour agents, restaurants, and nightclubs supplement their legal activities by providing young women to foreign prostitution rings.

Observers widely believe that some government authorities may facilitate or otherwise be complicit in trafficking activities. Eleven law enforcement officers were accused in 1999 and 2000 of preparing fraudulent documentation for trafficked women, and criminal proceedings were instituted against three of the accused officers. The results of the proceedings remained unknown, although there was no evidence that the officers ever were tried. In February the MVD reported that since 1997 a total of 30 officers in passport offices in remote regions were dismissed for providing falsified passports.

There is no law specifically prohibiting trafficking in persons; however, other existing laws can be used to prosecute traffickers for crimes such as kidnaping, exploitation, rape, and deprivation of freedom. The maximum sentence for those prosecuted under these laws is 15 years; however, the very few traffickers that were caught received lenient sentences or fines. During the year, three persons were tried and convicted of trafficking-related crimes and there were four trafficking-related convictions in 2000. However, the Government does not actively investigate specific cases of trafficking. Law enforcement efforts put trafficking under the umbrella of "contraband" or organized criminal groups, and do not target trafficking specifically. A lack of coordination between government agencies involved in migration issues, the obscure wording of laws regarding trafficking problems, and corruption contributed to the problem.

The government agencies involved in antitrafficking efforts are the Ministry of Foreign Affairs, the Ministry of Interior, the National Security Service, the Ministry of Health, the State Procurator's Department, the State Agency of Migration and the State Committee for Tourism, Sport and Youth policy. The Government created an inter-Ministerial Council after the release of the IOM report in February to develop a plan of action to combat trafficking. The Council recommended that the Government cooperate with other governmental ministries and departments as well as with international organizations, NGO's, and Interpol. Local NGO's have stated that the Government does not cooperate with these groups to help assist victims although, according to SEZIM, the General Procurator's Office has cooperated in the past with SEZIM and has indicated a desire to increase cooperation. However, many observers stated that there appeared to be an overall lack of understanding of trafficking problems in the Government and inadequate training of law enforcement officers in identifying and fighting trafficking. The Ministry of Interior had planned to establish a special police unit to combat trafficking; however, it was unable to do so due to lack of funding.

NGO's reported that the Government deports foreign victims of trafficking. According to an NGO, TAIS-Plus,

three Uzbek women who had been sex workers were deported to Uzbekistan in February. Many of those who transit are abandoned by the traffickers and live in hiding out of fear of being discovered by the authorities. According to both the OSCE and the IOM, many of those who have returned from commercial work overseas have stated that they were forced to pay bribes to corrupt Kyrgyz law enforcement officials to avoid imprisonment. According to local NGO's the Government does not assist victims of trafficking with any special services and according to the UMUP and TAIS-Plus organizations, the Government does not provide funding to foreign or domestic NGO's for services to victims.

International NGO's that are involved in trafficking issues include the IOM and OSCE. The IOM has conducted a series of workshops for law enforcement officers and plans to operate a telephone hotline in Bishkek for victims of trafficking. TAIS-Plus is a local NGO that offers assistance (both medical and psychological) to women (including prostitutes) as well as instructs former prostitutes on their legal rights and conducts prevention projects for sexually transmitted diseases, HIV and AIDS. The NGO Sotsium provides rehabilitation programs to help individuals (including prostitutes) reintegrate back into society. It provides both legal and medical assistance and conducts support groups and consultations. SEZIM is another organization that provides rehabilitation services to victims of violence and serves as a crisis resolution center. It provides legal, social, and economic assistance to victims. The NGO, UMUT, provides temporary shelter and assistance (both medical and legal) to women who are at risk. Several media articles have raised public awareness of the problem. The Ministry of Interior had planned to establish a special police unit to combat trafficking but was unable to do so due to lack of funding.